IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.220 OF 2005

Walchandnagar Industries Ltd. ... Petitioners

v/s

Indorama Cement Ltd. ... Respondents

Mr N.S. Nappinai for Petitioners.

Mr Atul Rajadhyaksha i/b M/s Khaitan and Co. for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 12TH DECEMBER 2005.

P.C. :-

1. By consent of parties, petition is disposed off in following terms:-

A). The arbitral award dated 15th December 2004 rendered by the learned Arbitrator at Exh.M to the above petition is set aside.

B). Both parties agree to refer the disputes between them to the arbitration of Mr Justice A.V. Savant (Retired).

C). Both parties agree and state that the above mentioned Arbitrator has jurisdiction to hear claims made by both parties against each other.

D). Both parties agree and state that the claims referred to arbitration before Mr Justice A.V. Savant (Retired) shall be restricted only to the claims (in number and in quantum) raised by each party against the other in the earlier arbitration i.e. the claims contained in the statement of claim dated 2nd June 2004 alongwith annexures filed by the claimants therein (Walchandnagar Industries Ltd.), the reply and counter

claim of the respondents therein (Indorama Cement Ltd.) to the statement of claim filed by the claimants dated 30th June 2004, rejoinder of the claimants dated 27th July 2004, reply of the respondents to such rejoinder dated 11th August 2004 and additional claims of the claimants in their written submissions dated 15th October 2004 and 26th October 2004 respectively and no fresh claim (by way of additional claim or additional amount in an existing claim) shall be made by one party against the other in the fresh arbitration. Both parties are entitled to take all defences that may be available to them including the limitation, maintainability and validity of such claim. However, the date of commencement of the arbitration shall be the date of commencement as per the earlier round of arbitration.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.